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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,498	04/17/2002	Nicholas Davis	UDL-099	2173

7590

11/19/2003

David P Gordon
65 Woods End Road
Stamford, CT 06905

EXAMINER

ABDELWAHED, ALI F

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 11/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,498

Applicant(s)

DAVIS ET AL.

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 20-27 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 28-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 6, 17, 18, and 33-35 are objected to because of the following informalities:

It is suggested that in:

Claim 6, line 2, delete "moulded" and insert --molded--.

Claim 6, line 2, delete "coloured" and insert --colored--.

Claim 17, line 2, delete "moulded plastics" and insert --molded plastic--.

Claim 17, line 3, delete "moulded" and insert --molded--.

Claim 18, line 2, delete "moulded plastics" and insert --molded plastic--.

Claim 18, line 3, delete "moulded" and insert --molded--.

Claim 33, line 2, delete "element".

Claim 34, line 2, delete "element".

Claim 34, line 2, delete "colour" and insert --color--.

Claim 34, line 3, delete "coloured" and insert --colored--.

Claim 35, line 2, delete "coloured" and insert --colored--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 and 28-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" in claims 1-4, 7, 8, 16, and 28-32 is a relative term which renders the claims indefinite. The term "substantially" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The "studs", "sockets", distance between the face panels and the distance between the "extremities", the shape of the "face panels" or "image element", and the hollowness of the block have all been rendered indefinite by the use of the term.

Claim 2 recites the limitations "the male and female gender face panels", "the distance", "the edge", "the panel", and "the nearest extremity" in lines 2-5. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitations "the distance" and "the extremities" in lines 2 and 4. There is insufficient antecedent basis for these limitations in the claim.

Claim 4 recites the limitations "the outer perimeter" and "the overall configuration" in lines 2 and 3. There is insufficient antecedent basis for these limitations in the claim.

Claim 5 recites the limitations "the respective studs and sockets" and "the male and female gender face panels" in lines 2 and 3. There is insufficient antecedent basis for these limitations in the claim.

Claims 7 and 8 recite the limitation "the same face area" in lines 2 and 3, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 9 recites the limitation "the faces" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitations "the depth dimension", "the height dimension", "the formations", and "the respective formation" in lines 2-4. There is insufficient antecedent basis for these limitations in the claim.

Claim 17 recites the limitation "the respective faces" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitations "the male array of studs", "the distance", "the edge", and "the nearest extremity" in lines 4, 5, and 7-9. There is insufficient antecedent basis for these limitations in the claim.

Claim 35 recites the limitation "the element" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

The term "general" in claim 33 is a relative term which renders the claim indefinite. The term "general" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The "image or scene" has been rendered indefinite by the use of the term.

Claim(s) 6, 10-14, 18, 19, and 34 depend from rejected claim(s) 1 and 30, respectively, and include all of the limitations of claim(s) 1 and 30 thereby rendering these dependent claim(s) indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 19, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,799,943 to Morgan in view of U.S. Patent No. 5,833,465 to Jarzewiak.

Morgan discloses the claimed invention except for at least two substantially identical studs and sockets; the studs and sockets on the face panels are spaced from one another by a distance of $2x$, where x is the distance between the edge of the panel and the nearest extremity of a respective stud or socket; the distance between the extremities of an adjacent two of said at least two studs or sockets is substantially $2x$; the studs and sockets on the face panels are arranged in 2×2 arrays that are arranged to mate with a complementary array provided on an adjacently connecting block; face panels molded of different colored plastics; at least one of the faces of the block or a pair of opposed face panels is/are without connection formation means; and one or more face panels without connection means are arranged to carry indicia, design, character or other graphic representation. However, Jarzewiak teaches a toy building block comprising all of the aforementioned limitations (see figs.1-7, and respective portions of the specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy block of Morgan, in view of Jarzewiak, such that it would provide the toy block of Morgan with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block.

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Claims 18, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Jarzewiak as applied to claims 1 and 30 above, and further in view of U.S. Patent No. 5,306,198 to Forman.

Morgan, as modified, discloses the claimed invention except for the closure means to close a hollow interior of the block, the closure means including one or more wall panel elements to be connected to the shell element, the coded image edge portions are color coded by means of colored edge zones comprising a backing to a primary image, character or other emblem depicted on the element. However, Forman teaches a toy building block comprising all of the aforementioned limitations (see figs.1-5, and respective portions of the specification). It is notoriously well known in the toy block construction art to have the color edge zones uniform, since such a modification would have provided a more realistic pictorial representation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the toy block of Morgan, as per the teachings of Forman, such that it would provide the toy block of Morgan with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block. Furthermore, although not relied upon by the examiner for the above rejection, please note the cited reference U.S. Patent No. 5,417,603 to De Chazal, which further illustrates the concept of color edge zones.

Claims 1-17, 19, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,374,917 to Troy in view of U.S. Patent No. 5,833,465 to Jarzewiak.

Troy discloses the claimed invention except for at least two substantially identical studs and sockets; the studs and sockets on the face panels are spaced from one another by a distance of $2x$, where x is the distance between the edge of the panel and the nearest extremity of a respective stud or socket; the distance between the extremities of an adjacent two of said at least two studs or sockets is substantially $2x$; the studs and sockets on the face panels are arranged in 2×2 arrays that are arranged to mate with a complementary array provided on an adjacently connecting block; and one or more face panels without connection means are arranged to carry indicia, design, character or other graphic representation. However, Jarzewiak teaches a toy building block comprising all of the aforementioned limitations (see figs.1-7, and respective portions of the specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy block of Troy, in view of Jarzewiak, such that it would provide the toy block of Troy with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block.

Claims 18, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troy in view of Jarzewiak as applied to claims 1 and 30 above, and further in view of U.S. Patent No. 5,306,198 to Forman.

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Troy, as modified, discloses the claimed invention except for the closure means to close a hollow interior of the block, the closure means including one or more wall panel elements to be connected to the shell element, the coded image edge portions are color coded by means of colored edge zones comprising a backing to a primary image, character or other emblem depicted on the element. However, Forman teaches a toy building block comprising all of the aforementioned limitations (see figs.1-5, and respective portions of the specification). It is notoriously well known in the toy block construction art to have the color edge zones uniform, since such a modification would have provided a more realistic pictorial representation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the toy block of Troy, as per the teachings of Forman, such that it would provide the toy block of Troy with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block. Furthermore, although not relied upon by the examiner for the above rejection, please note the cited reference U.S. Patent No. 5,417,603 to De Chazal, which further illustrates the concept of color edge zones.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA

11/04/2003



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SUPERVISORY PATENT EXAMINER
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